



Promoting the wise use of land

**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

SUBDIVISION REVIEW BOARD

MEETING DATE February 2, 2015	CONTACT/PHONE Xzandrea Fowler/ (805) 781-1172 xfowler@co.slo.ca.us	APPLICANT Christensen Family Trust	FILE NO. CO11-0098 SUB2011-00011
SUBJECT A request by Christensen Family Trust for a Vesting Tentative Parcel Map (CO11-0098) to allow for the subdivision of an existing parcel of 156.1 acres into four parcels, ranging in size from 38 acres to 40 acres for the purpose of sale/ and or development. In compliance with the Use Test standards a minimum of 90% of the acreage for each proposed parcel will be designated for plantable use. A 1.2 acre residential development envelope is proposed on Parcels 1, 3, and 4, and a residential development envelope totaling 2.5 acres is proposed on Parcel 2. In addition, an agriculture/agricultural accessory development envelope is proposed for Parcels 1 and 3. The agriculture/agricultural accessory development envelope on Parcel 1 will be 0.81 acres, and 1 acre on Parcel 3. One 18-foot wide and approximately 0.28 miles (1,500 feet) long on-site gravel road is proposed to serve the proposed parcels. Future development could result in the disturbance of approximately 7.13 acres of the total site. The site has frontage on to a County road; Orcutt Road. The proposed subdivision will require roadway frontage improvements. The proposed project is within the Agriculture land use category and is located at 6255 Orcutt Road, approximately 2.5 miles southeast of the City of San Luis Obispo. The project site is within the San Luis Obispo Subarea South of the San Luis Obispo (Rural) subarea of the South County Planning Area.			
RECOMMENDED ACTION 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Tentative Parcel Map CO11-0098 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds, and the Subdivision Review Board agrees, that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was issued on December 31, 2015 for this project and is hereby adopted. Mitigation measures are included to address Agricultural Resources, Biological Resources, Land Use, and Water/Hydrology and are included as conditions of approval.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Airport Review, Flood Hazard	ASSESSOR PARCEL NUMBER 044-111-001	SUPERVISOR DISTRICT(S): 3
PLANNING AREA STANDARDS: 22.98.060 San Luis Obispo Sub-area Standards			
LAND USE ORDINANCE STANDARDS: 22.22.040 – Subdivision Design Standards for the Agriculture land use category			
EXISTING USES: Dry farming and irrigated specialty crops			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

SURROUNDING LAND USE CATEGORIES AND USES: North: Agriculture / single-family residences, agricultural uses East: Agriculture / single-family residences, agricultural uses South: Agriculture / single-family residences, agricultural uses West: Agriculture / single-family residences	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, County Parks, Cal Fire, APCD, Agricultural Commissioner, City of San Luis Obispo, Airport Land Use Commission, and RWQCB	
TOPOGRAPHY: Nearly level to gently sloping	VEGETATION: Irrigated crops, ruderal, and riparian scrub
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CalFire	ACCEPTANCE DATE: November 3, 2011

DISCUSSION

PROJECT DESCRIPTION/HISTORY:

The applicant is proposing the subdivision of an existing parcel of 156.1 acres into four parcels, ranging in size from 38 acres to 40 acres for the purpose of sale/ and or development. The applicant is utilizing Subsection B of Section 22.22.040 (Agriculture Category) of the Land Use Ordinance to determine the minimum allowable parcel size for each of the proposed parcels. Under that standard, the applicant is proposing that a minimum of at least 90 percent (a minimum of 36 acres planted on each proposed parcel) of the acreage of the total site will be planted in irrigated row crops, specialty crops, field crops, orchards or vineyards. The proposal also includes designation of a 1.2 acre residential development envelope on Parcels 1, 3, and 4, and a residential development envelope totaling 2.5 acres on Parcel 2. In addition, an agriculture/agricultural accessory development envelope is proposed for Parcels 1 and 3. The agriculture/agricultural accessory development envelope on Parcel 1 will be 0.81 acres, and 1 acre on Parcel 3. One 18-foot wide and approximately 0.28 miles (1,500 feet) long on-site gravel road is proposed to serve the proposed parcels.

The subject site is located at 6255 Orcutt Road, in rural San Luis Obispo County. The topography on the site is relatively flat. The site is bordered to the south by East Corral De Piedra Creek, to the north by the West Corral De Piedra Creek, to the east by Orcutt Road and to the west by residential development. The site consists of entirely Class 1 soils.

Existing improvements on the site include the Ranch Headquarters' site and agricultural related infrastructure including barns, roads, wells, irrigation water lines, and an irrigation storage reservoir. The only areas of the site that are not under cultivation are the 2.0 acre area that is currently developed with structural uses and the riparian areas along the perimeter of the site.

The site has historically been used for agricultural uses. It was a dairy until the late 1950's. Irrigated agriculture was introduced in the late 1920's and farming has occurred on the site since. The current row crop farming program has been on-going since the late 1970's. Crop types range depending on the growing season and the market demands. Examples of crops that have been grown on the site recently include cilantro, broccoli, zucchini, lettuce (romaine, red leaf, and green leaf), bell peppers, and Brussel sprouts. The property is under the ownership of the Christensen Family Trust, but is farmed by Edna Valley Farming. The property

is under a Williamson Act agriculture preserve contract and has a contract minimum parcel size of 20 acres.

In 2010 the Christensen Family Trust submitted an application to amend the existing agricultural preserve and land conservation contract to decrease the minimum parcel size from 40 acres to 20 acres. The agricultural preserve was amended by the Board of Supervisors in November of 2010. The land conservation contract was amended in December of 2010.

ORDINANCE COMPLIANCE:

Minimum Parcel Size

Section 22.22.040 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Agriculture land use category. Each proposed parcel must be able to qualify for the requested minimum parcel size using all tests within Subsections B. or C. The applicant shall disclose as part of the application which subsection (either B or C) is being used to determine the minimum parcel size for each of the proposed parcels. If the parcel is under agriculture preserve contract, Subsection D. applies.

Staff Analysis: *Although the applicant is utilizing Subsection B of Section 22.22.040 (Agriculture Category) of the Land Use Ordinance to determine the minimum allowable parcel size for each of the proposed parcels, as noted above the property is under a Williamson Act agriculture preserve and land conservation contract and has a contract minimum parcel size of 20 acres. When a parcel is under contract the following standards apply:*

Subsection D - Size based on agricultural preserves. Where a legal lot in the Agriculture land use category is under Williamson Act agricultural preserve contract, the minimum parcel size is based on Subsections B and C (mentioned below); unless a larger minimum parcel size is specified in the terms of an existing Williamson Act agricultural preserve contract.

Subsection B – Size based upon existing use. Where a legal lot of record is developed with agricultural uses at the time of application for land division, the minimum size for a new parcel shall be the largest area determined by the following tests:

1. **Use test.** The Use test determines the minimum size for new parcels with existing agricultural uses based upon the type of existing agricultural use.

a. Crop production:

Agricultural Land Use	Minimum Parcel Size
<u>Irrigated</u> row crops, specialty crops, nurseries, field crops, orchards and vineyards (examples: vegetables, strawberries, cut flowers and flower seed, avocados, kiwi, other fruits and nuts, wine grapes)	40 acres; except parcels may be as small as 20 acres as provided in Subsection b.
<u>Irrigated</u> pasture, grain and hay (examples: alfalfa, irrigated grain and hay) and Dry Farm orchards, vineyards	40 acres ¹ (80 acres) ¹
<u>Dry Farm</u> field crops (examples: beans, specialty field crops) and grain and hay (examples: barley, wheat, oats, hay)	160 acres
<u>Grazing</u>	320 acres

Notes:

1. A larger minimum parcel size (80 acres) may be required where that parcel size will ensure agricultural capability in accordance with the provisions of the Agriculture Preserve Rules of Procedure and the adopted Agriculture and Open Space Element of the general plan.

b. Proposed parcel size. Proposed parcels less than 40 acres, but no smaller than 20 acres, may be proposed if all of the following criteria are met for each proposed parcel:

- 1) The proposed parcels must be Class I or II soils irrigated, or other soils listed as prime by NRCS;
- 2) There must be at least 18 acres or 90 percent of the acreage of the total site, whichever is larger, planted in irrigated row crops, specialty crops, field crops, orchards or vineyards (as defined in the preceding Table);
- 3) There must be a production water source currently installed;
- 4) That prior to or concurrent with recordation of a final or parcel map, the applicant is required to execute and record a declaration of restriction on a form approved by County Counsel, wherein the owner (s) agrees on their behalf and all successor in interest to the parcel that establishment of more than one residential use (other than farm support quarters) on the parcel will not be requested and cannot be approved; and
- 5) The resulting parcels must enter into a Williamson Act agricultural preserve contract in accordance with the county Rules of Procedure. Separate sale of parcels of record must be in compliance with Table 1 of the Agriculture Preserve Rules of Procedure.

Staff Analysis: The project proposed minimum parcel size of less than 40 acres, but no smaller than 20 acres complies with Subsection B (Use Test) based on the following:

- The existing and historic agricultural use is irrigated row crops, specialty crops, and field crops;

- *The entire site is Class I soils irrigated;*
- *There will be at least 90 percent of the acreage of the total site planted in irrigated row crops, specialty crops or field crops;*
- *There are a total of seven wells on site, and at least one is proposed on each parcel. Production rates of the wells on site range between 225 gpm and 385 gpm each, therefore adequate production water source is currently installed for each parcel;*
- *Project Final Map Additional Map Sheet notes will include the required residential use restriction. Prior to recordation of the parcel map one of the existing dwellings on Parcel 2 will be required to be converted to a non-residential use and one of the existing primary dwellings will be required to be converted to a farm support quarters unit; and*
- *The property is currently under a Williamson Act agricultural preserve and land conservation contract and the resulting parcels will comply with the minimum parcel size identified in the contract.*

Subsection C. Size based upon land capability. An applicant may choose to use the land capability test as the basis for determining allowable minimum parcel size, the minimum area for each new parcel shall be the largest determined by that test.

1. **Land capability test.** The minimum parcel size for new parcels shall be based on the Natural Resources Conservation Service (NRCS) classification, as set forth in the following table. Where a site contains more than one soil classification, each new parcel shall satisfy the minimum parcel size for the qualifying NRCS classification.

NRCS Classification ¹	Minimum Parcel Size	
	Irrigated ¹	Non-irrigated
Class I or II	20 acres ²	N/A
Class III or IV	40 acres ³ (80 acres) ³	160 acres
Class VI, VII or VIII	320 acres	320 acres

Notes:

1. Irrigated – as defined in the Agriculture and Open Space Element (Appendix G-8) using an installed production water source from underlying ground water basins, permitted, riparian or other appropriate water rights that would deliver adequate, reliable water.
2. Proposed parcels may be as small as 20 acres if planted and if all of the criteria in Subsection B.1.b (Proposed parcel size mentioned above) are met. If the criteria in Subsection B.1.b are not satisfied, a minimum parcel size of at least 40 acres shall be required.
3. A larger minimum parcel size (80 acres) may be required where that parcel size will ensure agricultural capability in accordance with the provisions of the Agricultural Preserve Rules of Procedure and the Agriculture and Open Space Element of the general plan.

Staff Analysis: *The proposed project site contains Class I soils that are irrigated and the project has satisfied the criteria in Subsection B.1.b (as discussed above), therefore each proposed parcel complies with the minimum parcel size of less than 40 acres, but no smaller than 20 acres (as demonstrated in the table below).*

Land Use Ordinance Compliance							
Proposed Parcel	NRCS Classification (Irrigated)	Proposed Gross Acreage	Proposed Plantable Acreage	Proposed Residential Development Envelope	Plantable Acreage Minus Res. Dev. Envelope	Ordinance Requirement (90 % planted)	Proposed Ag. Development Envelope ¹ (Usable Acreage in Excess of the LUO Requirement)
Parcel 1	Class I	38.1 acres	37.2 acres	1.2 acres	36 acres	34.29 acres	0.81 acres
Parcel 2	Class I	40 acres	36 acres	2.5 acres	36 acres	36 acres	N/A
Parcel 3	Class I	38 acres	37.2 acres	1.2 acres	36 acres	34.2 acres	1 acre
Parcel 4	Class I	40 acres	37.2 acres	1.2 acres	36 acres	36 acres	N/A
Total	All Class I	156.1 acres	147.6 acres	6.1 acres	144 acres	140.49 acres	1.81 acres

Notes:

1. Proposed Agriculture Development Envelope – The acreage in excess of the 90 percent planted Land Use Ordinance requirement is being proposed as additional area that could be made available for future structural and non-structural agricultural uses, including but not limited to agricultural accessory buildings, agricultural processing facilities, irrigation reservoirs, farm support nuts, nursery specialties, roadside stands, etc.as defined in the Agriculture and Open Space Element (Appendix G-8) using an installed production water source from underlying ground water basins, permitted, riparian or other appropriate water rights that would deliver adequate, reliable water.

Quimby Fees

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

Inclusionary Housing Fees

Title 29, the Affordable Housing Fund, establishes an in-lieu fee to create a fund that would help to meet, in part, the housing needs of the County's very low, low, moderate income and workforce households. Section 22.12.080 of Title 22, the Land Use Ordinance, describes the options the applicant may choose to satisfy the requirement.

Design Standards

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of the Title 21 of the Real Property Division Ordinance.

Road Improvements

This application was reviewed in detail by both Public Works and Planning and Building relative to access and circulation requirements for the area. This is in response to the potential for further divisions and development in the site vicinity. As a result of this review, road improvements are recommended as a means of providing appropriate access and circulation for this area.

PLANNING AREA STANDARDS:

22.98.060 Areawide Standards (San Luis Obispo-sub area of the South County (Inland) Planning Area). The following are the applicable area wide standards:

Application referral - states that applications for land divisions shall be referred by the County to the City of San Luis Obispo for review and comment

Production agricultural areas - states that new development shall be designed to minimize the loss of existing and potential production agricultural areas by the placement of buildings and new parcels outside the most agriculturally capable areas

Staff Analysis: *The application was referred to the City of San Luis Obispo for review and comment on September 28, 2011. Staff also met with City staff on January 9, 2015 to discuss the City's comments on the project.*

The project has been revised and development envelopes have been established to minimize the loss of existing production agricultural areas by the placement of buildings and improvements for the new parcels.

COMBINING DESIGNATIONS:

Flood Hazard (FH)

Portions of the subject project are within the 100-year Flood Hazard (FH) Combining designation. All residential development is required to be within the designated building envelopes located outside the FH. Any future non-residential development will also be required to comply with all standard regulations.

Airport Review (AR)

The subject project is within the Airport Review (AR) Combining designation. All land divisions must be found consistent with the Airport Land Use Plan (ALUP) adopted by the San Luis Obispo County Airport Land Use Commission for the San Luis Obispo County Regional Airport. Any future development will also be required to comply with all standards in the ALUP. The proposed project was found to be consistent with the ALUP and conditions of approval have been included to satisfy all ALUP requirements regarding land uses and densities within Aviation Safety Area S-2.

ENVIRONMENTAL DETERMINATION:

A Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was issued on December 31, 2015 for this project. The identified mitigation measures have been included as conditions of approval to address potential impacts to Agricultural Resources, Biological Resources, Land Use, and Water/Hydrology.

WILLIAMSON ACT:

The project site is currently enrolled in an Agricultural Preserve / Land Conservation contract, and is subject to both the Williamson Act and Assembly Bill 1492 (Laird). AB 1492 adds Section 51250 to the Government Code. The intent of AB 1492 is to limit construction of structures on

contracted lands to uses that are directly related to the agricultural use of the land. As a result of being enrolled within an Agricultural Preserve / Land Conservation contract, each parcel is limited to one primary dwelling in compliance with Section 22.30.480.

AGENCY REVIEW:

Agricultural Commissioner – Recommends larger parcel size than proposed and allowable under the Land Use Ordinance standards to ensure agricultural capability and the long term protection of agricultural resources consistent with the goals and policies of the Agriculture Element, per referral responses dated November 2011 and March 2012.

Public Works – Supports project with proposed conditions for road improvements, drainage, additional map sheet conditions, per referral responses dated October 2011 and December 2012.

Environmental Health – Preliminary evidence of water and conditions for wastewater disposal systems, per referral response dated September 2011.

County Parks – Payment of Quimby fees required, per referral response dated October 2011

Cal Fire – See attached fire safety plan

APCD – No comments received

Airport Land Use Commission – Consistent with the Airport Land Use Plan for the San Luis Obispo County Regional Airport, per referral response date September 2011.

City of San Luis Obispo – Concerned about future development within their greenbelt, per discussions between City and County planning staff, January 2015.

Staff Response: *While recognizing the concerns raised by the County Agriculture Department regarding the long term sustainability of agricultural operations, the Planning Department believes that the project site is unique based on the combination of the site consisting entirely of NRCS Class I soils, the long history of crop production, and the availability of water resources due to creeks located along the northern and southern property boundaries and the inclusion of the following project modifications, as conditions of approval, adequately address those concerns:*

- *A minimum parcel size of 40 acres (gross) for proposed Parcels 2 and 4 (to offset the land that would be lost due to the required Orcutt Road access improvements, future access roads and easements);*
- *A minimum parcel size of 38 acres for Parcels 1 and 3;*
- *A minimum of 36 acres of suitable crop production area for all parcels;*
- *Proposed development envelopes, not to exceed the difference between the gross acreage of each proposed parcel and the minimum acreage required for suitable crop production area;*
- *Restriction of future development and associated components of development to the designated development envelopes, including agricultural uses other than crop production;*

- *Allowable uses within development envelopes shall be limited to a single family dwelling, farm support quarters, agricultural accessory structures, agricultural processing, roadside stands, and nursery specialties;*
- *Redesign of the proposed cul-de-sac at the end of the proposed 18-foot wide gravel access road to include a hammer head;*
- *Restrict additional development of water reservoirs outside of the development envelopes;*
- *Preclude any future subdivision of the subject site through an enforceable restriction in perpetuity;*
- *Preclude off-site transfer of water from the greater project site; and*
- *All parcels shall enter into a Williamson Act agricultural preserve contract. The parent parcel is currently under land conservation contract. The contract will remain effective and run with the new parcels upon recordation.*

LEGAL LOT STATUS:

The one lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Xzandrea Fowler and reviewed by Terry Wahler.

Subdivision Review Board

Parcel Map SUB2011-00011 (CO11-0098) / Christensen Family Trust

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